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May 23, 2005

Paul Lyness  
Courtroom Clerk to the  
Honorable George A. O'Toole  
United States District Court  
One Courthouse Way  
Boston, Massachusetts 02210

RE: Clements v. Josselyn  
CV # 04-10621-GAO

Dear Mr. Lyness;

This letter is pursuant to this Court's initial order of March 10, 2005 and subsequent Order of April 23, 2005 enlarging the time within which the petitioner could respond to this Court's initial order. After consulting with my client and with the Committee for Public Counsel Services it is Mr. Josselyn's position that he will not voluntarily dismiss any of the claims in his habeas petition. He understands this Court will likely dismiss his entire petition and he will be forced to file an application for a certificate of appealability in order to challenge this Court's Order.

Mr. Josselyn feels strongly that the recent Supreme Court's decision Rhines v. Weber, S. Ct. (March 30, 2005) supports his request for a Stay.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Rosemary Scapicchio".

Rosemary Curran Scapicchio

RCS:mev

cc: Susan G. Reardon, AAG  
David Josselyn